

DETAILED ACTION

Response to Amendment

1. The examiner acknowledges the amendments of claims filed on 3/15/10. Claims 2-8, 13-14, 17-23, 26-29, 31-53, 55, and 57 have been cancelled, and new claims 65-83 have been added. Thus, claims 1, 9-12, 15-16, 24-25, 30, 54, 56, and 58-83 are pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 58, 61 and 77 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 58, 61, and 77, includes the recitation, "wherein said service platform automatically attaches a web link of the on-line gaming service to the at least one event-related predefined message, prior to sending out the at least one event-related predefined message therefrom", (emphasis added) lacks support in the original specification and thus is deemed new matter.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 54 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 54 recites, "An apparatus of claim 1", (emphasis added) is unclear because claim 1 is directed towards a system not an apparatus.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
7. Claims 1, 9-11, 15-16, 23-25, 30, 54, 56, 58, 61-64, 66-68, 71-74, 76-77, and 80-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. #6,524,189

to US Pat. 6,785,561 to Kim in view of US Pat. #6,755,743 to Yamashita et al (Yamashita) and US Pat. #6,795,711 to Sivula.

Regarding claims 1, 10, 11, 16, 54, 56, 58, 61, 64, 71, 73, 74, 77 Kim discloses a **system** (see abstract) comprising:

a plurality of terminals (see Fig. 2, 110, 120);

a service platform (Fig. 2, 200) configured to:

establish a connection between a wireless communication terminal and the service platform running an on-line gaming service, the on-line service transmitting a gaming content to the wireless communication terminal (col. 2, 52-63),

transmit a gaming-event-related predefined message selected at the wireless communication terminal to at least another one terminal (see col. 4, 34-49, discloses a network game request is interpreted as a gaming-event-related predefined message), **the gaming event being triggered by game playing interaction taken through the wireless communication terminal and the at least another one terminal during the game** (col. 3, 45-51),

receive a user selection, from the wireless communication terminal, of electronically transmitting the gaming-event-related predefined message to at least one address (see col. 4, 34-39), and

electronically transmit the gaming-event-related predefined message to the at least one address (see col. 4, 34-39).

However, Kim fails to explicitly disclose the following claim limitations:

(as required by claims 1, 16, 64, and 71) transmit, during a game, a gaming-event-related predefined, the gaming-event-related predefined message being automatically modified to be transmitted from the service platform to the at least another one terminal based upon a presenting capability of the at least another one terminal;

(as required by claims 10, and 73) a dedicated button to be activated by a user of the at least one terminal to cause one or more of the provided at least one gaming-event-related predefined message to be transmitted to the at least one address selectable by the user of the at least one terminal;

(as required by claims 11, and 74) an indicator to be displayed to indicate that the at least one gaming-event-related predefined message is available for selection;

(as required by claim 54) wherein the gaming-event-related predefined message is automatically modified based on an identity of the gaming content and an identity of a source of the gaming content;

(as required by claim 56) wherein the gaming event occurs during the game and includes at least one of a capture, a beat, a hit, and a kill,

(as required by claims 58, 61, and 77) wherein said service platform is configured to automatically attach a web link of the on-line gaming service to the at least one gaming-event-related predefined message, prior to sending out the at least one gaming-event-related predefined message therefrom.

Yamashita discloses transmit, during a game, a gaming-event-related predefined; and a dedicated button to be activated by a user of the at least one terminal

to cause one or more of the provided at least one gaming-event-related predefined message to be transmitted to the at least one address selectable by the user of the at least one terminal, an indicator to be displayed to indicate that the at least one gaming-event-related predefined message is available for selection (Fig. 13, W42, and col. 29, 5-15, discloses quick messages), and wherein the gaming event occurs during the game and includes at least one of a capture, a beat, a hit, and a kill (see Fig. 35). The gaming system of Kim would have motivation to use to the teachings of Yamashita in order to allow communication between players during game play.

Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the gaming system of Kim with the teachings of Yamashita in order to provide more realistic communication with other players without placing a burden on the players during operations.

Sivula discloses a message being automatically modified to be transmitted from the service platform to the at least another one terminal based upon a presenting capability of the at least another one terminal, and wherein the gaming-event-related predefined message is automatically modified based on an identity of the gaming content and an identity of a source of the gaming content (see col. 4 35-67 to col. 5, 1-4); and wherein said service platform is configured to automatically attach a web link of the on-line gaming service to the at least one gaming-event-related predefined message, prior to sending out the at least one gaming-event-related predefined message therefrom (col. 7, 8-30). The gaming system of Kim would have motivation to use the teachings of Sivula in order to quickly exchange messages between

communication devices by avoiding delays caused due to capability negotiation which would waste valuable bandwidth.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the gaming system of Kim with the teachings of Sivula in order to create a gaming environment where any terminal can be used to receive special content messages.

9, 25, 72, Kim discloses wherein at least one of the wireless communication terminal and the at least another one terminal is a mobile phone (see abstract).

15, 30, 76, Yamashita discloses, wherein the at least one gaming-event-related predefined message comprises at least one of voice, text, sound, an image, a picture, and a video (Fig. 13, W42, and col. 29, 5-15, discloses quick messages).

66, 67, 68, 80, 81, 82, Kim discloses (as required by claims 66 and 80) wherein the at least one address includes a predetermined address provided by the service platform; (as required by claims 67 and 81) wherein the at least one address includes an address of the service platform; and (as required by claims 68 and 82) wherein the at least one address includes an address of a terminal different from the wireless communication terminal and the at least another one terminal (lacking distinguishing features, see col. 3, 32-44 discloses ID numbers).

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8. Claims 12, 24, 59-60, 62-63, 65, 69-70, 75, 78-79, and 83 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. #6,524,189 to US Pat. 6,785,561 to Kim in view of US Pat. #6,755,743 to Yamashita et al (Yamashita) and US Pat. #6,795,711 to Sivula. as applied to claims 1, 16, 64, and 71 above, and further in view of US Pat. # 6,716,103 to Eck et al (Eck).

12, 24, 65, 69, 70, 75, 83, Kim fails to explicitly disclose wherein the at least one gaming-event-related predefined message comprises *an automated message that is sent automatically to the at least one address selectable by the user of at least one of the wireless communication terminal and the at least another one terminal when at least one condition of the gaming content matches any of a predefined criteria.*

Eck discloses wherein the at least one event-related predefined message comprises an automated message that is sent automatically to the at least one address selectable by the user of the at least one terminal when at least one condition of the gaming content matches any of a predefined criteria (col. 14, 47-67 to col. 15, 1-47, discloses automatically providing messages to game terminals during game play). The gaming system of Kim would have motivation to use the teachings of Eck in order to expand the range of information presented to game players during the course of the game in order to improve the enjoyment of the game.

Thus, it would have been obvious to a person of ordinary skill in the art to modify the gaming system of Kim with the teachings of Eck in order to accomplish diverse game play in varying devices, thus, motivating and attracting more game players that currently own a mobile gaming device to play games.

59, 60, 62, 63, 78, 79, Kim discloses wherein said service platform is configured to receive from at least one of the wireless communication terminal and the at least another one terminal a gaming-event-related predefined message attached with a question for gaming moves with respect a current situation in the game (see col. 4, 34-49, discloses a network game request is interpreted as a gaming-event-related predefined message), except *transmit an automated response to the question to the at least one terminal, and charge a user of the at least one terminal a fee specific for the response.*

Eck discloses wherein said service platform is configured to receive from at least one of the wireless communication terminal and the at least another one terminal a gaming-event-related predefined message attached with a question for gaming moves with respect a current situation in the game, except transmit an automated response to the question to the at least one terminal, and charge a user of the at least one terminal a fee specific for the response (lacking distinguishing features, col. 15, 48-65, discloses “auto-messaging”, in this case, the issue is the message, i.e., the message that a kill has taken place is the issue, or a player sending an invitation message being the issue, where the user is charged a per usage fee for sending messages as disclosed in col. 16, 49-63).

The gaming system of Kim would have motivation to use the teachings of Eck in order to expand the range of information presented to game players in order to improve the enjoyment of the game.

Thus, it would have been obvious to a person of ordinary skill in the art to modify the gaming system of Kim with the teachings of Eck in order to accomplish diverse game play in varying devices, thus, motivating and attracting more game players that currently own a mobile gaming device to play games.

Response to Arguments

9. Applicant's arguments filed 3/15/10 have been fully considered but they are not persuasive.

10. Specifically arguments regarding 112 1st in regards to claim 58, because para. 67 of the written description of the specification **does not** provide adequate descriptive support for the limitation "wherein said service platform automatically attach a web link of the on-line gaming service to the at least one event-related predefined message, prior to sending out the at least one gaming-event-related predefined message therefrom" (*emphasis added*).

11. Applicant's other arguments with respect to claims 1, 9-12, 15-16, 24-25, 30, 54, 56, and 58-83 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

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12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAMON PIERCE whose telephone number is (571)270-1997. The examiner can normally be reached on 8AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on 571-272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dmitry Suhol/
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